UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-- x
PAVLE ZIVKOVIC,

               Plaintiff,

     -against-

VALBELLA AT THE PARK, LLC,

              Defendant.
-- x

Civil Action No. 22-cv-07344 (GHW)

DECLARATION OF JOSEF NUSSBAUM

I, Josef Nussbaum, declare under penalty of perjury that the following is true and correct:

1.   I am a partner with Joseph & Kirschenbaum LLP, class counsel in the above-captioned matter. I submit this Declaration in support of Plaintiffs' motion to for an order to show cause why 10Tier.com ("10 Tier") should not be ordered to comply with Plaintiffs' subpoena dated April 24, 2023. I am familiar with the facts and circumstances set forth herein.

2.   On June 22, 2022, this Court entered judgment in this case against Defendants Laura Christy LLC, Laura Christy Midtown LLC, and David Ghantanfard, jointly and severally, for an amount in excess of $5 million. To date, the entirety of that judgment remains outstanding.

3.   One of the reasons for this subpoena is that, in discovery in this case, Plaintiff has become aware that Defendant's web site, valbellatthepark.com, referred to its alleged predecessor, Valbella Midtown, and invited potential hires to contact Valbella Midtown.

4.   For example, an early landing page on valbellatthepark.com invited prospective employees to email valbella@valbellamidtown.com or to call Valbella Midtown's phone number.

5.   Accordingly, in furtherance of Plaintiff's discovery efforts, on April 24, 2023, Plaintiff's counsel served 10 Tier with a subpoena a true and correct copy of which is attached hereto as **Exhibit A**.

6.   The subpoena directed 10 Tier to produce documents in its possession relating to, *inter alia*, communications it had with representatives of Valbella at the Park relating to that company's web site by May 9, 2023.

7.   To date, our office has not received a response to this subpoena from 10 Tier.

8.   A copy of Plaintiffs' proposed order to show cause is attached hereto as **Exhibit B**.

Dated: June 6, 2023

                                                   _/s/ Josef Nussbaum_____
                                                   Josef Nussbaum